

Planning and Zoning Commission
Meeting of February 25, 2015
Board of Supervisors' Meeting Room
County Administrative Center
219 East Cherry
Flagstaff, Arizona

Members Present

Mark Buzzard – Chairman
Sat Best – Vice-Chair
Jack Doggett
Tammy Ontiveros
John Ruggles
Don Walters
Mary Williams

Members Absent

Maggie Sacher

Staff Present

Jason Christelman, Director
Jeanne Trupiano, Planning and Zoning Manager
Bob Short, Principal. Planner
Zach Schwartz, Planner
Joe Rumann, Engineering Supervisor
Jessica Leiser, Deputy County Attorney
Melinda Rockhold, Recording Secretary

Chairman Buzzard called the meeting to order at 5:30PM. He noted procedures to the Audience.

I. **APPROVAL OF MINUTES**

January 28, 2015-**MOTION:** Commissioner Ontiveros noted a correction on Page 5. Commissioner Best asked for a clarification to be made on Page 15 and Commissioner Doggett noted Mr. Christelman was not present for the January 28th meeting and his name should be removed for the record. After noting corrections, Commissioner Ontiveros moved to approve the Minutes. Commissioner Williams seconded the Motion. The Motion passed with a vote of 6-1, with Commissioner Walters abstaining.

II. **PUBLIC HEARINGS**

Chairman Buzzard explained the new process to the Audience regarding Conditional Use Permit renewals with Consent approval. He noted Items 2 and 4 on the Agenda will be heard first. He gave the Case information and asked if there was any public present to hear those Cases. After seeing none, he asked if any Commissioners wished to pull the items from Consent. There were none.

2. Case No. CUP-15-005: A request for a renewal of a Conditional Use Permit (CUP-10-004) without modification for the Kinlani Church of the Nazarene in the AR 2 ½ (Agricultural Residential 2 ½ acre minimum) Zone. The subject property contains 4.24 acres and is located at 11450 N. U.S. Hwy. 89, Flagstaff, AZ and is identified as Assessor's Parcel Number 301-68-004K.
Applicant: Kinlani Church of the Nazarene, Flagstaff, AZ
4. Case No. CUP-15-007: A request for a renewal of a Conditional Use Permit (CUP-09-072) without modification for standpipe water sales in the PC (Planned Community) Zone in an area designated for Heavy Commercial Uses. The subject property contains 2.83 acres located in Bellemont and is identified as Assessor's Parcel Number 203-47-004F.
Applicant: Utility Source, LLC, Queen Creek, AZ

Mr. Schwartz stated the applicant for Case No. CUP-15-005 is in compliance with the conditions and there are no changes to the request. Staff is recommending approval for renewal.

Mr. Short stated the applicant for Case No. CUP-15-007 is also in compliance with conditions and staff is recommending approval.

MOTION: Commissioner Ontiveros moved to approve Case Nos. CUP-15-005 and CUP-15-007 with conditions listed in the staff report. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

The first Public Hearing was Case No. CUP-15-004

Case No. CUP-15-004: A request a Conditional Use Permit to expand the Greenhaven Fire District firehouse and parking in the Planned Community (PC) Zone. The subject property contains .25 acres and is located at 60 N. Wahweap Drive, Greenhaven, AZ., and is identified as Assessor's Parcel Number 601-44-017.
Applicant: Greenhaven Fire District, Greenhaven, AZ.

Mr. Short gave a brief report noting the issue regarding parking has yet to be resolved and the applicant is requesting a 60-day continuance. Staff is in favor of that request.

There were no questions for staff. There was no public comment.

Commissioner Ruggles stated he had visited the site and noted the site is very limited in terms of parking and agreed with the continuance request.

MOTION: Commissioner Ruggles moved to continue Case No. CUP-15-004 for 60-days. Commissioner Williams seconded the Motion. The Motion to continue was unanimous.

3. Case No. CUP-15-006: A request for a renewal of a Conditional Use Permit (CUP-05-062) with a modification to allow for a larger sign for the Williams' Congregation of Jehovah's Witnesses-Kingdom Hall in the G (General) Zone. The subject property contains 3.55 acres and is located at 5495 N. Sunset Strip, Williams, AZ and is identified as Assessor's Parcel Number 202-45-052. Applicant: Williams' Congregation of Jehovah's Witnesses-Kingdom Hall, Williams, AZ.

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. Staff is recommending denial of the larger sign request.

Commissioner Doggett asked what the current sign looks like. Mr. Schwartz noted there was a 15 square foot free-standing sign that was blown down. There is no wall signage currently.

Commissioner Ontiveros clarified a 15 square foot free-standing sign and a six square foot wall sign is allowed per Ordinance. Mr. Schwartz said that was correct.

Michael Koenig, 74 Homestead, Williams, Arizona, explained the free-standing did blow down but it has been reconditioned and placed temporarily until a larger wall mounted sign is approved. Mr. Koenig stated the Hall is 262 feet away from the highway. A six-foot wall sign is not visible from the Highway. Mr. Koenig added he has assisted in building several Kingdom Hall's in the state and their request is not out of line with others in the state and country.

Commissioner Williams asked what the proposed lighting will be. Mr. Koenig said the lighting is existing which is shielded. Mr. Koenig added they are on a timer.

Commissioner Doggett asked the location of the free-standing sign. Mr. Koenig showed the location on the site plan.

There was no public comment.

Commissioner Best noted to the applicant the Coconino County Sign Ordinance is strict and the Commission has had many requests in the past which have been denied. He agreed with staff's recommendation and added the Sign Ordinance will be under review soon and encouraged Mr. Koenig to participate in that process. It is difficult to make exceptions to the Sign Ordinance.

Commissioner Ruggles said the Commission should look at uniformity throughout the County. They do receive many requests but cannot make exceptions. He agreed with Commissioner Best's comments. He thought the free-standing sign that meets the Ordinance is more appropriate.

Commissioner Ontiveros noted the request is nearly nine times what the Ordinance allows. Signage is a very contentious issue. She encouraged Mr. Koenig to speak to his District Supervisor, Matt Ryan, regarding his concerns. She could not support the request.

Commissioner Walters stated the Sign Ordinance does need to be changed. He felt the distance from the road and visual impact should be taken into consideration, which is not currently in the Ordinance.

MOTION: Commissioner Ontiveros moved to deny Case no. CUP-15-006.
Commissioner Best seconded the Motion. The request was unanimously denied.

5. Case No. SUB-15-001: A request for the development of the Johnson Ranch Subdivision (46 lots) in the Agricultural Residential (AR-2 1/2) Zone. The subject property contains 115.54 acres and is located in Doney Park at the intersection of State Hwy. 89 and E. Landfill Road and is identified as Assessor's Parcel Number 301-31-003A.

Applicant: D & G Development, LLC, Flagstaff, Arizona

Mr. Short noted this Case was discussed at the Planning and Zoning Commission Study Session prior to this hearing. He also noted the Commission heard this Case January 28, 2015 and the Commission continued the Case asking for more information regarding the flood zone. He summarized his staff report along with a PowerPoint presentation. Mr. Short stated Condition 7 in the staff report needs to be corrected regarding maintenance of the road based on a state statute that prohibits requiring HOAs to maintain roads. A sentence was added at the end of Condition 7 regarding that. He also wanted to remove the requirement of the HOA being responsible for maintenance of the subdivision perimeter fences, roadways and trails. Mr. Short referred to Condition 13 striking out 'and dedicated for public use' stating they will be private and not for public use. Regarding Condition 14, Mr. Short stated he had met with the Forest Service and they have indicated they will not support access to the National Forest so staff is recommending removal on Condition 14 completely; Condition 15, strike out the first word 'Public'. Staff is recommending approval of the Preliminary Plat approve for Johnson Ranch subject to the 23 conditions.

Commissioner Best referred to Condition 20 and clarified a secondary access is recommended but not required. Mr. Short said he did include it in the conditions. It will be a requirement. It is a newly added condition from the previous staff report of January 28, 2015.

Commissioner Williams verified there would be no access from the subdivision directly into the Forest unless a property borders the Forest. She noted trails would follow the interior roads but no way to get out. Mr. Short said that was correct. Commissioner Doggett noted there is a Forest Service access along Landfill Road. Commissioner Williams was concerned with equestrian access. Mr. Short added it was a disappointment for staff as well after meeting with the Forest Service.

Commissioner Best asked if a perimeter fence was still being required. Mr. Short said no. Commissioner Best stated there would be 'social' trails from those homes bordering the Forest. Mr. Short agreed.

Commissioner Best referred to the latest map with the new flood information. He asked if there is a declared floodway. Mr. Short said there is not and stated it is a flat property and it is basically sheet flow. Mr. Short stated it is not a FEMA designated floodplain.

Commissioner Ruggles referred to Condition 15 removing the word 'public' from drainage easements and asked if they would be deeded easements. Ms. Leiser explained striking the word 'public' gives the opportunity to dedicate the drainage easements to the HOA, property owners or, in the future, dedicate them to the County if and when the roads become County maintained. Mr. Short referred to Condition 7 noting maintenance of the drainage easements was all that remained in that Condition.

Commissioner Doggett asked who will maintain the roads. Mr. Short referred to the amended Condition 7 adding a last sentence to read "Roadways shall be maintained by an HOA, road maintenance district, or other association appropriate for road and trail maintenance." That allows different options for maintenance.

Fritz Aspey, attorney for the applicant, Flagstaff, Arizona, noted this was not a Zone Change or Conditional Use Permit request, strictly a preliminary subdivision plat. They will address staff's recommended conditions as they move towards the final plat approval.

Chairman Buzzard asked Mr. Aspey if he and his client's understood and agreed with the changes staff had just made. Mr. Aspey said yes.

The floor was opened for public comment.

Lerryn Roberds, 6170 E. Treadway Trail, Flagstaff, explained the flooding in the area from the highway drainage pipes and disagreed with the flood elevations listed in the preliminary plat. There has been a flood event each year since the Schultz Fire. Ms. Roberds showed photos of past flooding events. The proposed lots at the end of the cul de sac was the biggest concern.

Bill Sutter, 6235 Kaitlin Way, Flagstaff, noted he spoke at the last hearing. He stated he is not opposed to the subdivision if it is done properly. Mr. Sutter added other than the Commission hearings there have been no public meetings regarding the subdivision. Mr. Sutter asked if there were any setbacks required from the proposed road to his property. He agreed with the previous speaker that the flood elevations listed were not correct. Mr. Sutter also thought the long cul de sac length would be a safety issue. Mr. Sutter was also concerned about homes being elevated which may cause drainage issues to the homes lower in elevation. He also explained the flooding events in the area and on this site. Mr. Sutter asked that the six lots at the end of the cul de sac be removed from the preliminary plat and the community be safe and flood mitigation be done.

Peter Pillis, 6220 E Treadway Trail, Flagstaff, agreed with the previous speakers. There have been no improvements made to the ADOT drainage which causes most of the issues. Mr. Pillis also explained the drainage pathways. Mr. Pillis said there should be an

approved drainage plan for future flooding before the subdivision is approved. He added the community should be able to see and approve the drainage plan as well.

Christopher Hull, 6210 Kaitlin Way, Flagstaff, agreed with the previous speakers. He noted the Ordinance refers to flooding, safety, property values and lot sizes.

Susan Hepler, 10550 N Swede Lane, Flagstaff, agreed the new map was not accurate. She agreed time and consideration should be taken regarding drainage issues.

Lori Anderson, 6170 E. Desert View Lane, Flagstaff, agreed the largest issue is the 'dogleg' of the proposed subdivision. Ms. Anderson felt that would create more flooding issues.

Fred Weers, 6185 Kaitlin Way, Flagstaff, thought if the highway culvert was larger that would create more water flowing into the area. He agreed a drainage plan needs to take place between the County and the State. Mr. Weers asked that the neighbor's needs and fears be considered. The dogleg area should be omitted.

Christine Garrison, Applicant, assured the Commission and neighbors the flooding concerns have been heard. Ms. Garrison said she lives in the area and has experienced the flooding problems and does understand. That is why they have hired a reputable Engineer who is from the area and is familiar with the area. Ms. Garrison noted this is just in the preliminary stage. They are asking for preliminary plat approval so they know how to go forward to make sure there is mitigation. They are not able to address the problem to the west which is a State and County problem, which most of the issues are coming from. Ms. Garrison explained they are taking a risk that maybe those are not buildable lots but that is the first step in the preliminary plat approval process. Ms. Garrison added there is a berm that shouldn't be there which is stopping water flow into the Forest. She stated they are willing to work with the neighbors in removing that berm. Ms. Garrison said their intention is to not impact the neighbors and help them to try and prevent more flooding. Commissioner Doggett referred to the road location for the dogleg and thought the road would constantly wash out. Ms. Garrison referred the question to Christine Laguna, Civil Design and Engineering, Engineer. Ms. Laguna said the design will be done upon approval of the preliminary plat. There is a possibility once the roads and drainage is put in those lots could not be supported. Ms. Laguna explained the water velocity is low and said low water crossings could be designed. They do not want to impact the neighbors. Ms. Laguna agreed that corner is a difficult spot and are dealing with pre-existing conditions that are not ideal. They are willing to go forward to do more engineering that minimize impact. County Engineering will review the plans and reports and if they do not agree redo the work.

Commissioner Walters asked Ms. Laguna to consider a continuance to do a better study and present that to neighbors. Ms. Laguna said a continuance would not accomplish much. All information is represented to the County Engineer for his approval. If he does not approve that information, then it will not happen. Ms. Laguna explained the preliminary subdivision plat approval process and added those lots may be removed upon final plat approval. Chairman Buzzard appreciated everyone's concern but stated many of

the concerns and public comments is beyond the Commission's purview. The procedure is going the way it should. Chairman Buzzard explained engineering does not have to be 100% complete for preliminary plat approval. It does have to be complete prior to the final plat approved by the Board of Supervisors.

Pam Baldwin, 6225 E Swede Lane, Flagstaff, stated a preliminary plat approval without a secondary access is a big issue. She wished the Forest Service could be remedied and would allow public access from the subdivision.

The floor was closed for public comment. The Commission began their discussion.

Chairman Buzzard asked staff if they would like to address any concerns. Ms. Short clarified the roadway that crosses the flood area would not be built at grade. It would be approximately 1.5 feet above grade and have culverts beneath for drainage to allow no more than six inches of flooding across the top of the road. Mr. Short noted there is no public participation process required in the Subdivision Ordinance. Mr. Short added there would be a 24-foot width of pavement in the 60-foot right-of-way.

Joe Rumann, County Engineer Supervisor, explained there are things that can be and will be different in the final plat. Mr. Rumann said he has met with one neighbor and he is sympathetic with the neighbor's concerns. When that final plat is complete with construction documents it will meet County requirements and will not cause adverse impacts upstream or downstream.

Commissioner Best said he would be more comfortable if there was a designated floodway and know where the water is flowing. Mr. Rumann stated there is a lot of detail that goes into the analysis. Among other things, he will ask for updated survey cross sections. There are many other things that will need to be done at a higher level.

Commissioner Doggett appreciated the updated information from the applicant and their engineer and the neighbors' concerns. He noted he has heard no objection to the subdivision itself but to the lots in the dogleg/panhandle area. Commissioner Doggett referred to Findings B and C that the Commission must make in approving a preliminary subdivision plat. Finding B: "That the design of the proposed subdivision will not cause substantial environmental damage and will not present serious public health problems." C: "That the site of the proposed subdivision is physically suitable for the proposed type and density of development." Commissioner Doggett could not make the Findings based on the issues with Lots 42 through 46. He suggested voting on the request but eliminate Lots 42 through 46. That would allow the applicant to go forward.

Commissioner Ruggles agreed with Commission Doggett but would have included Lot 41 also.

Commissioner Ontiveros agreed and referred to Finding B also. The Commission does have concerns relating to the flooding issues. Commissioner Ontiveros asked if the preliminary plat is approved this evening, will the issues regarding those lots be addressed and if so by who. Mr. Christelman explained there are several more stages in

the process. If those lots are part of the subdivision, upon applying for a building permit, grading permits for each lot will have to be applied for, reviewed and issued. The Commission cannot redraw the plat. What the Commission decides is a recommendation to the Board of Supervisors.

Chairman Buzzard agreed and added this is preliminary and will not be the final product. The plat may change along the course. All engineering and specifics will be done prior to final plat approval. Mr. Christelman added there are many more other people involved.

Commissioner Best noted the site is in Supervisor Archuleta's district and she is aware of the flooding issues in the area. Commissioner Best asked about the secondary access. The Commission noted Condition 20 states a secondary access is required. Commissioner Best asked about the requirement for solid fencing along Landfill Road and Highway 89. Mr. Short said staff has removed any discussion. That may happen at a later date. Commissioner Best referred to a previous case where a wall was required which had landscaping and a malpais facing. He suggested adding a condition regarding a block wall and asked for advice. Commissioner Ruggles stated the area along Highway 89 is below highway grade. He didn't think a six-foot wall would have much impact. He thought the wildlife fencing was more appropriate and would barely be seen. Commissioner Best agreed but thought if any solid fencing would go up he would like to see something attractive along Highway 89. Commissioner Walters noted Landfill Road is the same situation. Commissioner Ruggles thought a solid wall along the Highway would have to go before the Board of Adjustment for approval. Commissioner Doggett disagreed with Commissioner Best that this was any distinctive frontage along Highway 89 noting there are many miles of private parcels along the Highway that have various types of fencing. Mr. Short explained per the Doney Park Area Plan and Design Review it does not apply to subdivision or residential fencing. Mr. Short also added a six-foot solid fence would require a Variance before the Board of Adjustment and is not part of the subdivision process. Commissioner Best asked if the wildlife fencing was resolved. Mr. Short stated it was recommended that there be no perimeter fence be required and any fencing within the subdivision be wildlife friendly.

The Commission discussed the process noting it goes to the Board of Supervisors for preliminary plat approval. The final plat approval will go before the Board of Supervisors for their final approval which allows the neighbors to speak twice before the Board. The final plat does not go before the Planning and Zoning Commission. Commissioner Ruggles thought preliminary approval may be in order for the process to continue. It may be shown the dogleg/panhandle area may not be buildable and be redesigned. He does not want to see a wildcat subdivision.

Commissioner Ontiveros thought, given the process, there will be ample opportunities for the public to comment. She was comfortable approving the preliminary plat so the process can begin.

Commissioner Williams said she has reservations and concerns regarding Lots 41 through 46, the length of the cul de sac, and the flooding issues. If those lots were removed it would make it much easier.

Commissioner Best said he is uncomfortable with the dogleg/panhandle but is confident the Board of Supervisors will make the right decision. He commended the applicant for the work they have done. A subdivision is much better than lot splits. The flooding issues are uncomfortable for everyone.

Commissioner Ruggles stated he lives in the area uphill and empathized with the neighbors. When the first flood happened he was not able to leave his neighborhood for several days. Commissioner Ruggles was confident in the engineering process and it will be adequately reviewed. It may be Lots 41 through 46 are undevelopable.

Chairman Buzzard stated the Commission must take into consideration staff's corrections to the conditions.

MOTION: Commissioner Ontiveros moved to approve Case No. SUB-15-001, adding the corrections made by Mr. Short in his presentation in Condition 7: Condition 13 delete 'and dedicated for public use'; remove Condition 14 in its entirety; Condition 15 striking the first word 'public'. Commissioner Walters seconded the Motion. The Motion passed 6-1, with Commissioner Doggett voting nay.

Chairman Buzzard asked the applicant and their representatives if they understood the conditions approved. Mr. Aspey said they did.

III. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public present.

The meeting adjourned at 7:45PM.

Chairperson, Coconino County
Planning and Zoning Commission

ATTEST:

Secretary, Coconino County
Planning and Zoning Commission